

Memo

To: County Election Officials
From: Secretary of State Todd Rokita
Date: October 30, 2008
Re: Election Day – Additional Preparations, Final Review

Congratulations! Much of the preparation leading into the Election Day has been completed. You and your staff have worked very hard on thousands of details over the last few months, including planning poll worker training sessions, testing voting machines, finalizing your ballot configurations, not to mention increased data entry efforts to keep pace with a historic number of voter registrations. The number of hours you, your staff, and your volunteers are devoting to administering the election will never fully be understood by those not in your shoes. But on behalf of Hoosier voters and taxpayers, I thank you for your commitment to running a fair and accurate election.

While not an exhaustive review, there are a few last minute items that I believe should be noted, mainly including reminders of procedures that prepare for **extraordinary turnout** at the polls on Tuesday. Already our offices have worked together to encourage voters to vote absentee early in order to reduce the negative impact of long lines. Indiana has experienced record absentee voting in part because of our outreach efforts. However, it is critical that additional care be taken to ensure accessibility for voters during Election Day.

Election Day Procedures

As a reminder, voters should be informed of their rights and responsibilities before casting a ballot in the 2008 General Election. Every voter deserves respect, and any issues relating to their ability to vote should receive the highest priority. Here are some additional considerations in light of likely historic turnout:

Opening the Polls

- **Inspectors should remind poll workers that no voter is to be turned away on Election Day, even if the voter does not have the required Photo ID, or another issue arises. If a question arises, Inspectors should attempt to verify a voter's eligibility by calling your main office. Provisional ballots should always be offered as a last resort.**
- The Inspector should interpret the width of the chute in a manner that promotes accessibility to the polls and allows for the largest number of voters physically possible.
- In preparation for heavy turnout, some counties have created a "issue station" in order to manage any individual problems with Photo ID, or voter list questions. This entails a separate station that allows the Inspectors to resolve problems with county headquarters in an orderly fashion, as well as clear the process for eligible voters to continue voting.
- The Voter's Bill of Rights must be posted for voters of every precinct. Chute posters are also available to remind voters of the Photo ID requirement before entering the polling location.
- Make sure that voters fully cast their ballot so they do not become a "floating voter." Floating voter refers to a voter who starts to vote on a voting machine, but does not complete the voting process. If a voter does not complete the voting process (ie. cast their ballot), the ballot should be voided or canceled. Your office should already have guidelines for this situation and included this information in your poll worker training.

Closing the Polls

The Indiana Election Division has released conflicting legal opinions on Indiana Code 3-11-8-11. Because both parties in the Election Division do not agree and therefore cannot issue an official position, I am acting as Chief Election Official to provide clarity surrounding the interpretation of the law. It is my opinion that an eligible voter who arrives at a poll location prior to the 6:00 p.m. deadline should be allowed to vote under the following considerations:

- Inspectors should begin to organize any long lines in preparation for the closing of polls **no later than 5:30 p.m.** To prevent any legal questions, best practices to organize long lines include:
 - Snaking the line back and forth within the 50 feet chute.
 - The Inspector should interpret the width of the chute in a manner that promotes accessibility to the polls and allows for the largest number of voters physically possible.
- As always, the Inspector must declare that the polls are closed at 6:00 p.m., prevailing local time. Any person arriving on location after the polls are closed should not be allowed to cast a ballot.
- The Inspector should use common sense when determining whether voters have arrived on location. They should consider poll location as the property line of a polling site. However, if the line of voters extends past the property line at the close of polls, the line of voters at 6:00 p.m. should be considered the complete body of voters to complete the process prior to tallying the rolls. The Inspector should follow custom and write down a list of names of those waiting in accordance with these recommendations.
- Inspectors should monitor the location for any individuals arriving **after** they close the polls. Inspectors should not allow those individuals who arrive after closing to enter the chute, or remaining voter line at any point.
- **Only a court of competent jurisdiction may extend polling place hours. If it does, only provisional votes will be cast during a court-extended time. Otherwise, once an inspector declares the polls closed, only those on location as defined above may cast a ballot.**

These recommendations should not alter any procedures that forbid electioneering within the chute.

Emergencies

Please review the Indiana Election Emergency Contingency Plan letter and make sure you have the contact information provided with the letter, as well as the contact information your local Emergency Management Personnel per the letter's suggestions. The Secretary of State's Office will be operating through the Indiana Department of Homeland Security should an event occur.

Also per the letter, your county should have already established backup polling places in the event of an emergency. If your Election Board must change a location due to a disaster, be prepared quickly notify local media if changes are necessary. It is also recommended that you post signs at or near the polling place originally designated for voters of that precinct to direct them in the event of relocation.

Ballots

Our office has received word that many counties have purchased additional ballots, with some counties following our recommendation in preparing to print 100% of the number of registered voters. Counties that use optical scan voting systems and DRE for HAVA accessibility requirements should remind poll workers to use the DRE in the event of ballot shortage emergencies. Counties that use optical scan voting systems and the AutoMark® device for HAVA accessibility will not have the option of using a DRE in emergencies and should be prepared for almost 100% turnout. It is also important for counties that utilize DRE voting systems to ensure there are plenty of emergency paper ballots, should they be necessary.

Voting Machines

As detailed in the HAVA requirements and general best practices, the following summarizes important guidelines of working with voting systems. A chain of custody procedure should be in place for all

machines to ensure there is not any tampering of the voting equipment. This should include the bi-partisan handling and inspection of equipment.

- Remind your Inspectors to review the accuracy of the ballot prior to opening the polls on Election Day and encourage poll workers to verify that the number of voters who signed the poll book matches the number of votes cast on the machines.
- Consider all results as unofficial until you can verify them against the physical data brought to you from each polling place.
- Finally, you should ensure that at least one accessible voting machine is present and operational on Election Day in each polling place. It is not sufficient to have the machine physically there; it must be operational and available to ANY voter to use.

Now is the time for Indiana to shine! Over the last 30 days, I have frequently noted during our 50-plus county tour that our election officials and 30,000 volunteers maintain the integrity of this process by their hard work and dedication. Your commitment to the election process has been outstanding and undoubtedly helps keep this country free. Thank you again for your service.

If you have questions about the recommendations above, please contact our HAVA Administrator, Joe McLain by email at havaadministrator@sos.in.gov or by phone at (317) 234-8683, or our HAVA Education and Outreach Director, Julia Bauler by email at jbauler@sos.in.gov or by phone at (317) 232-6541.

Sincerely,

A handwritten signature in black ink that reads "Todd Rokita". The signature is written in a cursive, flowing style.

Todd Rokita
Indiana Secretary of State